THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
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Trenton, NJ 08608

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PETER SHAH Plaintiff Vs. BANK OF AMERICA, NA PNC BANK, NA NATIONSTAR MORTGAGE, LLC Defendants	CIVIL ACTION CV- Jury Trial Demanded **Certified Statement**

CERTIFIED STATEMENT FOR COMPLAINT AGAISNT BANK OF AMERICA N.A., PNC BANK N.A. AND NATIONSTAR MORTGAGE, LLC

CERTIFIED STATEMENT

I, Peter Shah of full age, file this certified statement along with my complaint against Bank of America NA, PNC Bank NA and Nationstar Mortgage, LLC for Fabrication, Forgery, Fraud, Collusion, Conspiracy, Slender of Title and Credit, Wrongful taking, Unauthorized picture taking,Trespassing and other illegal activities.

BANK OF AMERICA

1. On 6/05/2005 the Bank of America recorded mortgage in the Somerset County Office of Clerk in the Book 5755 Page 3831.The mortgaged property was described as 'ALL THE BUILDING AND STRUCTURES ON THE LAND IN THE **TOWNSHIP OF HILLSBOROUGH...**" as annexed here in **Exhibit A**[1].

2. On 3/6/2014 the Bank of America filed a complaint against the Plaintiff to foreclose subject mortgaged property (Superior Court of New Jersey, Chancery Division, Somerset County, Docket F-08317-14) The mortgaged property was described as 'ALL THE BUILDING AND STRUCTURES ON THE LAND IN THE **TOWNSHIP OF HILLSBOROUGH...**" as in **Exhibit A**.

3. On 8/11/2014 the Bank of America filed a Summary Judgment Motion to foreclose subject mortgaged property as described here in **Exhibit A.** The Summary Judgment was granted on 9/26/2014

4. On 5/6/2015 the Bank of America, NA filed 2nd Amended complaint against the Plaintiff to foreclose certain mortgaged property described as "ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the **TOWNSHIP OF MONTGOMERY..."** as annexed here in **Exhibit B.** The last line reads as 'Commonly known as 132 MONTFORD DR, BELLE MEAD, NEW JERSEY 08502-0000.'

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1 The Bank of America has filed in March 2014 Lis Pendens describing property in Exhibit A.

5. In Exhibit B, the first 3 lines of Exhibit A are replaced with different text (and township) and last 3 lines are added.

6. **The Exhibit B is a fabricated document and does not exits anywhere in the mortgage.**

7. On 12/01/2015 the Bank of America filed a Final Judgment motion to foreclose subject mortgaged property, again switching back to property described here in **Exhibit A**. The Final Judgment was granted on 02/02/2016.

8. On the same day (02/02/2016) the defendant Bank of America, prepared the Writ of Execution annexed here as Exhibit C (4 pages). In the Writ defendant Bank of America fraudulently switched **Exhibit A** with fabricated **Exhibit B.**

9. On the 3/14/2016 the Sheriff of Somerset County received the Writ # 003979-16 and scheduled advertisements and Sale for 6/28/2016[2] of the premises described in **Exhibit B.**

10. Thus, Bank of America became involved in the fraud and forgery by switching Exhibit A with fabricated Exhibit B.

11. **In Banco Popular N. Am. v. Gandhi, 184 N.J. 161, 172–73, 876 A.2d 253 (2005), the New Jersey Supreme Court has opined that intentional fraud consists of five elements: "(1) a material misrepresentation of presently existing or past fact; (2) knowledge or belief by the defendant of its falsity; (3) an intention that the other person rely on it; (4) reasonable reliance thereon by the other person; and (5) resulting damages."**

11.1 Here, defendant Bank of America knew that the Subject mortgaged property is described in **Exhibit A** as located in the 'Township of Hillsborough." and neither describes any "Commonly Known as" location nor contains last 3 lines. But, defendant sent Writ with **fabricated Exhibit B** to Sheriff to foreclose and sell property located in the 'Township of

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2 As of today(9/30/2016) the Sheriff Sale is scheduled for 10/11/2016

Montgomery, Commonly Known as..',Thus defendant misrepresented and satisfies the Condition (1) above to intentional fraud.

11.2 When, defendant Bank of America was granted the Summary Judgment and Final Judgment, they knew that the Judgments are for mortgaged property in **Exhibit A**. But they did not sent Writ with **Exhibit A** and knew falsity of it. This satisfies the 2nd Condition above.

11.3 The Bank of America sent Peter Shah notice of Sale, posted Plaintiffs' house with sale notice and advertised the property for Sheriff Sale in newspaper as well as online. This satisfies Conditions number (3).

11.4 The public is relying on these advertisements and Writ. Some websites have our home listed for sheriff sale with unauthorized photos[3]. We have daily visitors knocking on our door and asking about the Sheriff Sale and the house. This meets Condition (4)[4]

11.5 The defendant Bank of Americas' fraudulent activities has damaged out credit score, has cost us our sleep, *taken* our property, cost us over $9500 in legal expenses,destroyed value (and equity) of our home by $500,000 and above all, has made my son worried about intruders, eviction and shelter. This satisfies Condition (5).

PNC BANK

12. On 06/06/2002 the Provident Bank based in Doylestown, Pennsylvania filed a mortgage in Somerset County Clerks' office in Book 5159 Page 115 describing legal property as being in Exhibit D.

13 On 09/30/2005 the National City Bank filed in Somerset County Clerks' office highly questionable (with hand written alteration to add Bank of America in place of Washington

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3 http://www.zillow.com/homedetails/132-Montfort-Dr-Belle-Mead-NJ-08502/39899801_zpid/
4 Consequently, where, as here, "(it) support(s) the conclusion that the contract must be rescinded on the grounds of equitable fraud." See *Bonnco Petrol, Inc.,v. Epstein. 115 N.J Supre. 609 (1989) 560 A. 2d. 655.*

Mutual Bank) Subordination. The legal property description is on last page. Exhibit E(4 pages)

14 On 7/27/2016 the PNC Bank filed non contesting Answer in the above complaint by Bank of America (Docket F-08317-14). See Exhibit F (3 pages).[5]

15 Neither legal description in Exhibit D nor in Exhibit E matches property description in Exhibit B.

16. In sum, by filing non contesting answer and required certification, the defendant PNC Bank became judgment creditor as described in the Exhibit C with fabricated Exhibit B.

17. To file non contesting Answer, the Pennsylvania based PNC Bank, used suspended Pennsylvania attorney Martin S. Weisberg. See 3 Orders Exhibit G

18. In Jewish Ctr. of Sussex Cty v. Whale, 86 N.J. 619, 624-625 (1981) the New Jersey Supreme Court has opined that, in order to assert a legal fraud claim the moving party must establish the following five elements by clear and convincing evidence: "(1) material misrepresentation of a presently existing or past fact; (2) knowledge or belief by defendant of its falsity; (3) an intention that the other person rely on it; (4) reasonable reliance thereon by the other person; and (5) resulting harm.".

18.1 Here, the PNC Bank knew that the property description filed in Provident Bank Mortgage[6] is not as Exhibit B. This satisfies Condition (1)

18.2. The PNC Bank knew that Provident Bank Mortgage describes property located in the 'Township of Hillsborough' (Exhibit D). The PNC Bank filed non contesting answer in the 2nd amended Complaint[7] with knowledge that defendant Bank of America, has put forth fabricated

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5 The PNC Bank has (by using suspended lawyer) also filed Lis Pendens and separate mortgage foreclosure case F-028335-15 Superior Court of New Jersey, Chancery Division, Somerset County.

6 Please note that the original Mortgagee is Provident Bank and not PNC Bank. And no assignments are filed by Provident Bank,Washington Mutual Bank, National City Bank or PNC Bank.

7 It should be noted that PNC Bank did not file non contesting answer to the Original Complaint.

Exhibit B[8]. Condition (2) satisfied.

18.3. The Pennsylvania based PNC Bank used other than Pennsylvania headquarter address in hope that people rely on suspended attorneys' false Certification.[9] With this Certification and non contesting answer, the PNC Bank became Judgment Creditor in 2nd place. Requirement of Condition (3) fulfilled.

18.4. The PNC Bank made us and the Public rely on faulty filings and false certification. Condition (4) met.

18.5 As PNC Bank is Final Judgment Creditor, they are equally guilty of (if not more) above described damages in point 16. Furthermore, PNC is guilty of knowingly retaining suspended attorney[10]. Condition (5) met.

19 Here, Bank of America and PNC Bank satisfies all of the above Conditions of the legal fraud.

20. **This is how, PNC Bank and Bank of America Colluded and Conspired.**

21. **Thus, PNC Bank and Bank of America crafted Legal Fraud with preciseness.**

NATIONSTAR MORTGAGE

22. Sometime before December 2015 the defendant Bank of America sold the servicing right to the Nationstar Mortgage, LLC. The Bank of America claims that they sold loan and rights in December of 2015. But the public record says that it was sold in 2013, well before the

8 It is very apparent that Bank of America colluded with PNC Bank to fabricate and forge Exhibit B in 2nd amended complaint. Furthermore PNC fraudulently copied legal description from our deed and filed it in Lis Pendens and in foreclosure complaint F-028335-15.

9 This is confirmed by Ms. Christy Bell, loss mitigation specialist at PNC Bank.

10 Currently, the PNC Bank has retained Mr. Weisberg for atlease 3 other cases as confirmed by Ms. Bell.

original complaint (F-08317-14) was filed by the defendant Bank of America. See Exhibit H.

23. I asked Nationstar to send us the copy of the Mortgage.

24. The Nationstar sent us on March 16th 2016 a copy of the mortgage describing real property as in Exhibit A.

25. I called Nationstar representative Mr. Dwayne Cage and informed that mortgaged property that he sent me as in Exhibit A is neither in the Writ nor is offered by Sheriff for Sale. Mr. Cage said he will bring this to his supervisor, but he is not authorized to discuss this issue[11].

26. I informed Mr. Cage that every Saturday, there is this gentleman in Audi car comes to our house and take pictures, peeps in windows and roams around on our property. Mr. Cage replied that they (Nationstar) are sending people to mortgaged properties.

27 In last 6 months, we had atleast 9 incidents of picture taking and trespassing. Mr. Chris Dixon and Mr. Dwayne Cage of Nationstar confirmed these incidents. Attorney Chamberlain of Bank of America confirmed to send people to our house for inspection. In one incident, one intruder rang our bell and would not leave the front door for 10 minutes. In another incident, a man drove his big pick up truck on my driveway and almost hit me.

28. The Nationstar and Bank of America are engaged in violation of Trespass under N.J.S.A. 2C:18-2, N.J.S.A. 2C:18-3, N.J.S.A. 2C:18-3(a).

29. Please see attached three page communication about the trespass and picture taking with Nationstar and Bank of America. (Exhibit I).

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11 **In New Jersey, a civil conspiracy is "a combination of two or more persons acting in concert to commit an unlawful act, or to commit a lawful act by unlawful means, the principal element of which is an agreement between the parties to inflict a wrong against or injury upon another, and an overt act that results in damage." Morgan v. Union County Bd. of Chosen Freeholders, 268 N.J. Super. 337, 364 (App. Div. 1993) See also** *Am. Corporate Soc. v. Valley Forge Ins. Co.*, 424 F.Appx. 86, 90 (3d Cir. 2011) (quoting *Banco Popular N. Am. v. Gandi*, 184 N.J. 161, 177 (2005)).

30. Thus, Bank of America, PNC Bank and Nationstar Mortgage are involved in the Fraud, Forgery, Collusion and Conspiracy.

I, Peter Shah, hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully Submitted,

Peter Shah, Pro Se
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Belle Mead, NJ 08502
Ph:(908)432 5030
Email:petershah@msn.com

Date: 09/30/2016

ACKNOWLDGEMENT

On 9/30/2016 before me, Notary Public in and for Somerset County, NJ personally appeared, Peter Shah who has satisfactorily identified himself as the signer to the above referenced Certification.

Notary

SEAN SHARRY
Notary Public of New Jersey
My Commission Expires 2/28/2020